



		issues which, if improperly introduced into the trial of the case would be so prejudicial that the court could not alleviate the prejudice with appropriate instruction(s).
July 2, 2020	October 26, 2020	*Notify Deputy Clerk in Charge regarding the date and time by which juror questionnaires shall be presented to accompany by jury summons if the Parties desire to avail themselves the benefit of using juror questionnaires. <sup>1</sup>
June 30, 2020	October 23, 2020	File Notice of Request for Daily Transcript or Real Time Reporting If a daily transcript or real time reporting of court proceedings is requested for trial, the party or parties making said request shall file a notice with the Court and e-mail the Court Reporter, Shelly Holmes, at shelly_holmes@txed.uscourts.gov.
June 18, 2020	October 5, 2020	Serve Pretrial Objections
June 18, 2020	September 28, 2020	Serve Pretrial Disclosures
June 18, 2020	September 28, 2020	Response to Dispositive Motions (including Daubert Motions). <sup>2</sup> Responses to dispositive motions filed prior to the dispositive motion deadline, including Daubert Motions, shall be due in accordance with Local Rule CV-7(e). Motions for Summary Judgment shall comply with Local Rule CV-56.
June 4, 2020	September 14, 2020	Deadline to for Filing Dispositive Motions and any other motions that may require a hearing: including <i>Daubert</i> motions.
June 4, 2020	September 14, 2020	Defendant to Identify and Give Notice of Trial Witnesses
May 28, 2020	September 7, 2020	Plaintiff to Identify and Give Notice of Trial Witnesses
May 21, 2020	August 31, 2020	File Response to Amended Pleadings
May 7, 2020	August 24, 2020	Deadline to File Amended Pleadings <b>(It is not necessary to file a Motion for Leave to Amend before the deadline to amend pleadings. It</b>

<sup>1</sup> The Parties are referred to the Court's Standing Order Regarding Use of Juror Questionnaires in Advance of *Voir Dire*.

<sup>2</sup> The parties are directed to Local Rule CV-7(d), which provides in part that "[a] party's failure to oppose a motion in the manner prescribed herein creates a presumption that the party does not controvert the facts set out by movant and has no evidence to offer in opposition to the motion." Local Rule CV-7(e) provides that a party opposing a motion has 14 days, in addition to any added time permitted under Fed. R. Civ. P. 6(d), in which to serve and file a response and any supporting documents, after which the court will consider the submitted motion for decision.

		<b>is necessary to file a Motion for Leave to Amend after the amended pleadings date set forth herein.)</b>
April 30, 2020	August 21, 2020	Discovery Deadline
April 23, 2020	August 7, 2020	Deadline to file Motions to Compel Regarding Discovery Disputes
April 23, 2020	July 31, 2020	Defendant to Designate Expert Witnesses <sup>3</sup> Expert witness report due Refer to Local Rules for required information
April 9, 2020	July 10, 2020	Plaintiff to Designate Expert Witnesses <sup>4</sup> Expert witness report due Refer to Local Rules for required information

### OTHER LIMITATIONS

1. All depositions to be read into evidence as part of the parties' case-in-chief shall be **EDITED** so as to exclude all unnecessary, repetitious, and irrelevant testimony; **ONLY** those portions which are relevant to the issues in controversy shall be read into evidence.
  
2. The Court will refuse to entertain any motion to compel discovery filed after the date of this Order unless the movant advises the Court within the body of the motion that counsel for the parties have first conferred in a good faith attempt to resolve the matter. See Eastern District of Texas Local Rule CV-7(h).
  
3. The following excuses will not warrant a continuance nor justify a failure to comply with the discovery deadline:
  - (a) The fact that there are motions for summary judgment or motions to dismiss pending;
  - (b) The fact that one or more of the attorneys is set for trial in another court on the same day, unless the other setting was made prior to the date of this order or was made as a special provision for the parties in the other case;

<sup>3</sup> Plaintiffs who are also Counterclaim Defendants, as well as third-party Counterclaim Defendants, shall designate Expert Witnesses specific to such counterclaims at this deadline.

<sup>4</sup> Defendants who are also Counterclaim Plaintiffs shall designate Expert Witnesses specific to such counterclaims at this deadline.

- (c) The failure to complete discovery prior to trial, unless the parties can demonstrate that it was impossible to complete discovery despite their good faith effort to do so.

4. Mediation shall be attended, in person, by named parties (if an individual) or by a fully authorized representative (if not an individual) and by lead counsel. Third party insurance carriers who may be obligated to indemnify a named party and/or who owe a defense to any party shall also attend mediation, in person, by means of a fully authorized representative. Non-compliance with these directives shall be considered an intentional failure to mediate in good faith.

5. Any motion to alter any date on the DCO shall take the form of motion to amend the DCO. The motion to amend the DCO shall include a proposed order that lists all of the remaining dates in one column (as above) and the proposed changes to each date in an additional adjacent column (if there is no change for a date the proposed date column should remain blank or indicate that it is unchanged). In other words, the DCO in the proposed order should be complete such that one can clearly see all the remaining deadlines and the changes, if any, to those deadlines, rather than needing to also refer to an earlier version of the DCO.

**SIGNED this \_\_\_\_\_ day of May, 2020.**

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ROY S. PAYNE  
UNITED STATES MAGISTRATE JUDGE